

## **REMARKS**

Claims 1, 3-5, 7, 8, 11, 12, 14, 15, 17, 18, 21, 22, 24, 25, 27 and 38 are currently pending in this application. It is gratefully acknowledged that the Examiner has found allowable subject matter in Claim 4. In the Office Action, the Examiner has rejected Claims 1, 3-5, 7, 8, 11, 12, 14, 15, 17, 18, 21, 22, 24, 25, 27 and 38 under 35 U.S.C. §103(a) as being unpatentable over Admitted Prior Art (APA) in view of Heikkinen et al. (WO 95/32558) and further in view of Lamoureux et al. (U.S. 6,330,458).

Regarding the rejections of independent Claims 1, 5, 8, and 18 under 35 U.S.C. §103(a), the Examiner alleges that the claims are unpatentable over the APA in view of Heikkinen et al., and further in view of Lamoureux et al. Heikkinen et al. discloses a method for improving connection quality in a cellular radio system, and a base station; and, Lamoureux et al. discloses intelligent antenna sub-sector switching for time slotted systems.

Each of these amended claims recite that a switching control signal is generated such that the switching occurs only in a non-transmission period of a last time slot within a sub-frame, the sub-frame includes a plurality of time slots, each time slot includes a transmission period followed by a non-transmission period, the non-transmission period of a last time slot is a non-transmission period intervening between sub-frames.

In the claims of the present application, the switching occurs only in a non-transmission period of a last time slot within a sub-frame, the non-transmission period of a last time slot is a non-transmission period intervening between the sub-frames.

In Lamoureux et al. switching occurs multiple times in a frame. For example, as shown in FIG. 4, in frame 401, switching occurs six (6) times in each frame. Switching six times throughout a frame is not and cannot be equated with switching only in a non-transmission period of a last time slot within a sub-frame.

The Examiner defends the rejection in the Response to Arguments section of page 8 of the Office Action, by stating, “Lamoureux discloses that the scanning radio continues to monitor each of antenna 302 and 304 during each of the time slots and selects which antenna should be coupled to a radio during a particular time slot, coupling the antenna to the radio during the guard time of the time slot (col. 5, lines 40-45).” Antennas are monitored *during each of the time slots*, which is not *only* in a non-transmission period of a last time slot within a sub-frame.

The Examiner goes on to state, “Herein, as illustrated in Fig. 4, the sub-frame 401 includes a plurality of time slots, e.g., TS1-TS6. Herein, time slot TS6 is the last time slot in the sub-frame 401 and the selected antenna coupled to radio during a guard time of the last time slot.” The Examiner ignores the fact that antennas are selected during the guard times of time slots TS1-TS5, i.e. every time slot, which is not only in a non-transmission period of a last time slot within a sub-frame.

The Examiner concludes, “In other words, Lamoureux discloses that switching can be occurred or only occurred at the last time slot of a sub-frame.” This is an inaccurate statement as to what Lamoureux teaches. Lamoureux teaches that switching does in fact actually occur in every time slot, and not that it “can be occurred or only occurred”.

Fig. 4 of Lamoureux illustrates that the switching of the last time slot occurs in the guard time of the last time slot, in which the guard time is located before the last time slot. By contrast, Fig. 13A of the present application clearly illustrates that the switching occurs only in a non-transmission period located after the last time slot, i.e., in the guard period.

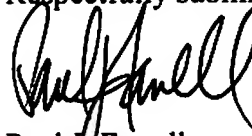
In the claims of the present application, the switching occurs in the boundary between subframes, whereas in Lamoureux, the switching does not occur in the boundary between

subframes.

Independent Claims 1, 5, 8, 18 and 38 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 3, 7, 11, 12, 14, 15, 17, 21, 22, 24, 25, and 27, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 3, 7, 11, 12, 14, 15, 17, 21, 22, 24, 25, and 27 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1, 3-5, 7, 8, 11, 12, 14, 15, 17, 18, 21, 22, 24, 25, 27 and 38, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,



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